

10 Rec'd PCT/PTO 26 JAN 2005

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

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MAGNA INTERNATIONAL INC.
PATENT DEPARTMENT

RECEIVED
OCT 26 2004

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

DOCKETED

702675 PCT

Date of mailing
(day/month/year)

25.10.2004

Applicant's or agent's file reference
702675 PCT

IMPORTANT NOTIFICATION

International application No.
PCT/CA 03/01167

International filing date (day/month/year)
25.07.2003

Priority date (day/month/year)
26.07.2002

Applicant
INTIER AUTOMOTIVE CLOSURES INC.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 702675 PCT		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/16)	
International application No. PCT/CA 03/01167	International filing date (day/month/year) 25.07.2003	Priority date (day/month/year) 26.07.2002	
International Patent Classification (IPC) or both national classification and IPC E05B65/12			
Applicant INTIER AUTOMOTIVE CLOSURES INC.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 1 sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 19.02.2004		Date of completion of this report 25.10.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Bitton, A Telephone No. +31 70 340-2916 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/CA 03/01167**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-4 as originally filed

Claims, Numbers

1-5 received on 30.09.2004 with letter of 30.09.2004

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/CA 03/01167

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-5
	No: Claims	
Inventive step (IS)	Yes: Claims	1-5
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-5
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

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Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following document:

D1: DE 197 38 492 A (VOLKSWAGENWERK AG) 12 March 1998 (1998-03-12)

- 2.1. Amended claim 1 defines (lines 10-11) that the "**said release mechanism** includes a slot...". The feature "release **mechanism**" has however not been defined earlier in the claim. Since this expression seems from the whole application (see in particular description p.3, l.3-7 and figure 2a) to refer to the "release lever (30)", the term "release mechanism" of claim 1 has been thus interpreted as "release lever (30)" for examination purpose (Article 6 PCT).
- 2.2. D1 discloses (see c.3, l.47-c.4, l.30 and figures 1-3) a latch mechanism comprising a latch hook, a release lever (2) and an inertia lever (5). The subject matter of claim 1 differs from D1 in that said release lever includes a slot presenting sides for engaging a portion of said inertia lever for automatically toggling said inertia lever in response to movement of said release lever to prevent seizing of said inertia lever within the latch mechanism. This allows the actuation of the inertia lever whenever the release mechanism is actuated and prevents the inertia lever from jamming due to environmental conditions (e.g. dust). The subject-matter of claim 1 is new and meets thus the requirements of Article 33(2) PCT.

The arcuate shape of the inertia lever (5) of D1 corresponds to the arcuate shape of slot (15) so that they fit into each others when the release lever is operated (see figure 2). No toggling of the inertia lever can be achieved by actuation of the release lever of D1. No hint can lead the man skilled in the art to a latch mechanism according to claim 1. The subject-matter of claim 1 implies an inventive step and meets the requirements of Article 33(3) PCT.

- 2.3. Claims 2-5 are dependant on claim 1 and meet thus the requirements of Articles 33(2) and 33(3) PCT.

- 2.4. The invention is industrially applicable and the application meets thus the

**INTERNATIONAL PRELIMINARY
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International application No. PCT/CA 03/01167

requirements of Article 33(4) PCT.